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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 BILL COBB, an individual,

11 Plaintiff,

12 v.

13
14 FREETIME, INC., d/b/a "Wheel Fun
15 Rentals," a California Corporation; and
16 DOES 1-10,

17 Defendants.

Case No.

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

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20 Plaintiff Bill Cobb, through counsel, hereby prays to this Court for relief
21 based on the following:

22 **JURISDICTION AND VENUE**

23 1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et*
24 *seq.*

25 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
26 1338(a)-(b).

3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and 1400(a) because a substantial part of the acts and omissions giving rise to the claims occurred in this judicial district.

PARTIES

4. Cobb is a Maryland-based photographer who specializes in architectural and aerial photography.

5. On information and belief, Defendant Freetime, Inc. d/b/a “Wheel Fun Rentals” (“Wheel Fun Rentals”) is a California corporation with its principal place of business located at 4526 Telephone Rd. #202, Ventura, CA 93003. Wheel Fun Rentals owns, operates, and/or control the commercial website wheelfunrentals.com and its related/affiliated subdomains, mobile websites, social media pages, and applications (collectively, “Defendants’ Website”).

6. On information and belief, Defendants DOES 1-10 (collectively, “DOE Defendants”) (altogether with Wheel Fun Rentals, “Defendants”), are other parties not yet identified who have infringed Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights, or have engaged in one or more of the wrongful acts alleged herein. The true names, whether corporate, individual, or otherwise, of DOE Defendants are presently unknown to Plaintiff, which therefore sues said DOE Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when the same have been ascertained.

7. On information and belief, each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants, and was at all times acting within the scope of such agency, affiliation, alter-ego relationship, and/or employment; and actively participated in, subsequently ratified, and/or adopted each of the acts or conduct alleged, with full knowledge of each violation of Plaintiff’s rights and the damages to Plaintiff proximately caused thereby.


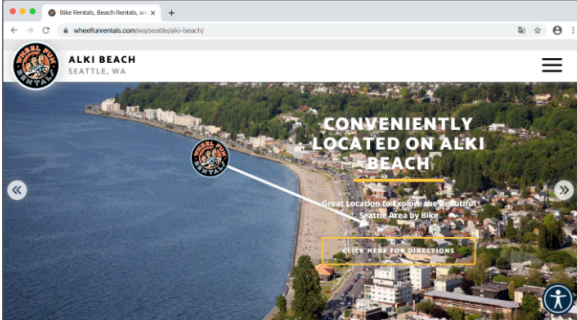
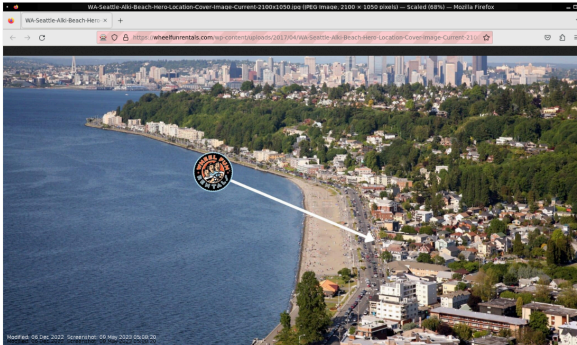
FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

8. Cobb took and owns an original photograph registered with the U.S. Copyright Office (the “Subject Photograph”).

9. Following the publication and display of the Subject Photograph, Defendants (and each of them) stored, displayed, created derivative works of, distributed, and/or otherwise exploited verbatim copies of the Subject Photograph on Defendants’ Website for commercial purposes without Cobb’s permission (collectively, the “Accused Posts”).

10. The Subject Photograph, and screen captures of the Accused Posts, are set forth below:

Subject Photograph	Accused Posts
 <p style="text-align: center;">seattle_121_3045</p>	 <p style="text-align: center;">https://wheelfunrentals.com/wa/seattle/alki-beach/</p>  <p style="text-align: center;">https://wheelfunrentals.com/wp-content/uploads/2017/04/WA-Seattle-Alki-Beach-Hero-Location-Cover-Image-Current-2100x1050.jpg</p>

11. Defendants, and each of them, had access to the Subject Photograph, including through Plaintiff's website, profiles, galleries, exhibits, social media pages, and/or authorized licensees; through third-party websites or Internet search engines; and/or because the Accused Posts are nearly verbatim copies of, and thus striking similar to, the Subject Photograph.

12. Defendants, and each of them, stored, copied, displayed, created derivative works of, distributed, and/or otherwise exploited verbatim copies of the Subject Photograph on Defendants' Website for commercial purposes without Cobb's permission.

13. Due to Defendants' acts of copyright infringement, Plaintiff has suffered damages in an amount to be established at trial.

14. Due to Defendants' acts of copyright infringement, Defendants, and each of them, have obtained profits they would not have realized but for their infringement of Plaintiff's copyright in the Subject Photograph. This entitles Plaintiff to disgorgement of Defendants' profits attributable to Defendants' infringement in an amount to be established at trial.

15. Upon information and belief, Plaintiff alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of, or in reckless disregard or willful blindness for, Plaintiff's rights, such that said acts of copyright infringement were willful. Plaintiff sent a cease-and-desist letter to Wheel Fun Rentals in August 2023, yet as of this filing at least one of the Accused Posts continues to be displayed on Defendants' Website.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows against all Defendants and with respect to each claim for relief:

- a. That Defendants be enjoined from using the Subject Photograph in any manner that infringes Plaintiff's copyright in the same;

- 1 b. That Plaintiff be awarded Defendants' profits, plus Plaintiff's losses,
2 attributable to Defendants' infringement, the exact sum to be proven
3 at the time of trial; or alternatively, if elected, statutory damages under
4 17 U.S.C. § 504;
- 5 c. That Plaintiff be awarded its fees under 17 U.S.C. § 505;
- 6 d. That Plaintiff be awarded its recoverable costs incurred in this action;
- 7 e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 8 f. That Plaintiff be awarded such relief as the Court deems proper.

9 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
10 P. 38 and the 7th Amendment to the United States Constitution.

11
12 Dated: March 21, 2024

DONIGER / BURROUGHS

13 By: /s/ Stephen M. Doniger
14 Stephen M. Doniger, Esq.
15 Benjamin F. Tookey, Esq.
16 Attorneys for Plaintiff
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